



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/422,324 10/21/99 CONSOLE

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WM02/0305

EXAMINER
WONG, A

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 03/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/422,324

Applicant(s)

CONSOLE ET AL.

Examiner

Allen Wong

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/12/00.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Response to Arguments

On page 2 of applicant remarks, applicant is correct in that the first Office Action, paper No.2, sent on 4/12/00 was a non-final rejection. The examiner apologizes for the typographical error on the Office Action Summary since there was no basis for finalizing the Office Action sent on 4/12/00.

The minor claim objection is withdrawn since claims 1-3 were cancelled.

The 112 rejection is withdrawn since claims 1-3 were cancelled.

Applicant's arguments filed 7/12/00 have been fully read and considered but they are not persuasive.

On page 5, lines 9-10 of applicant's remarks, applicant mentions that Peterson's camera 12 does not focus on any instrumentation within the police vehicle or on the driver of the police vehicle. As stated before, the location of the camera is not considered to be patentable because the camera can be placed anywhere to view any position as desired by any one of ordinary skilled in the art. Court law supports that the shifting of the location of parts is obvious and produces no unexpected results, as in the case of In re Japikse, 86 USPQ 70 (CCPA 1950). If one decides to point the camera at the odometer and the speedometer, then of course, one of ordinary skill in the art would obviously expect the produced output image to be from the odometer and the speedometer. Also, it would have been obvious to one of ordinary skill in the art to utilize the teachings of Peterson and Secor for viewing the odometer and speedometer

so as to obtain all possible relevant information during the pullover of violating motorists in order to allow an accurate court presentation.

On page 5, lines 17-18 of applicant's remarks, applicant asserts that Secor adds little to Peterson's teachings. The Secor reference is directed to the recording of the information of the odometer and the speedometer. The Peterson reference is directed to the camera obtaining the image on the road in front of the driver. Again, the reasons apply here as stated in the previous paragraph, the shifting of the location of parts is not considered to be patentable, as in the case of In re Japikse, 86 USPQ 70 (CCPA 1950).

The combination of Peterson and Secor's references is deemed to be proper because all of the limitations are met. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4 and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Peterson (4,789,904).

Regarding claim 4, Peterson discloses an observation and recording system for a motor vehicle comprising:

camera means carried by the motor vehicle, said camera means being directed at a road in front of the vehicle and at a driver of the motor vehicle (note fig.1, element 12 is a camera inside the motor vehicle and being directed at a road in front of the vehicle and col.3, lines 57-67 discloses that the camera in the surveillance system records the motorist pulled over by the police officer, ie. driver of the motor vehicle, thus camera 12 records both the images in front of the vehicle, ie. the motorist, and at the driver of the motor vehicle, ie. the police officer) and

means for recording images of the road in front of the vehicle and of the driver of the motor vehicle observed by said camera means (note fig.1, element 12 is a camera inside the motor vehicle and being directed at a road in front of the vehicle and col.3, lines 57-67 discloses that the camera in the surveillance system records the motorist pulled over by the police officer, ie. driver of the motor vehicle, thus camera 12 records both the images in front of the vehicle, ie. the motorist, and at the driver of the motor vehicle, ie. the police officer).

Regarding claim 7, Peterson discloses the use of connectors which are equivalent to jacks (col.3, lines 31-32 and also note col.4, lines 19-22 where Peterson discloses a connector means for interconnecting the camera).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (4,789,904) in view of Secor (5,289,321).

Regarding claim 5, Peterson may not appear to disclose the means for recording information from the odometer and the speedometer of the vehicle. However, Secor teaches the means for recording information from the odometer (fig.5, element 50) and the speedometer (fig.5, element 46) of the vehicle. Therefore, it would have been obvious to one of ordinary skill in the art to utilize the teachings of Peterson and Secor for viewing the odometer and speedometer so as to obtain all possible relevant information during the pullover of violating motorists in order to allow an accurate court presentation.

As for claim 6, Peterson discloses a surveillance system that provides information (ie. time, date, identity of motorist's license plate, automobile's make and model, conduct of motorist and officer, audio information) as disclosed in col.3, lines 49-64. Peterson may not appear to disclose the means for recording information from the odometer and speedometer is provided by said camera means. However, Secor teaches the means for recording information from the odometer (fig.5, element 50) and the speedometer (fig.5, element 46) of the vehicle. Therefore, it would have been

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obvious to one of ordinary skill in the art to combine the teachings of Peterson and Secor's for viewing the odometer and speedometer so as to obtain all possible relevant information during police pullovers in the event of a heated, serious confrontation so as to present a clear and unbiased presentation of the parties involved.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (4,789,904).

Regarding claim 8, Peterson may not appear to disclose the portability of a camera. However, it would have been obvious to one of ordinary skill in the art to recognize that the portability of a camera is an extremely obvious feature because one can easily manipulate and place the camera to any location one desires to capture any point of view needed for image acquisition applications.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

AW
March 1, 2001


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600